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Monday, November 03, 2014

VIA ECF AND REGULAR MAIL

Hon. Charles J. Siragusa
District Court Judge
Western District of New York
1360 U.S. Courthouse
100 State Street
Rochester, New York 14614

Re; Javonnta Simmons v. City of Rochester et al; 6:12-cv-06705-CJS

Your Honor,

I would like to sincerely apologize to the Court for my failure to appear at the recent Status Conference in this matter. I have been in communication with Mr. Bowman and have done a comprehensive case analysis for review by management for possible settlement purposes. On October 23, 2014 I suffered a complete rupture of my Achilles tendon, necessitating emergency treatment. Since that time I have been receiving regular treatment and have been out of work. I mistakenly believed this matter was shared on an office-wide calendar for coverage. I am embarrassed by this mistake and beg the Court's pardon.

Depositions have not been scheduled in this matter and written discovery is being exchanged. I am currently assessing the possibility of settlement with management. Defendant is sensitive Plaintiff's complaints, but the nature of actual damages remains unclear.

Again, I apologize to the Court. New protocols, policies, and support systems are in place to ensure this situation does not arise again. I take business before the Court very seriously, as does this office. Should Your Honor have any questions or concerns, please feel free to contact me.

Respectfully,

s/Spencer L. Ash

cc: Wynn L. Bowman, Esq.



